

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GERALD D. ULMER,

Defendant-Appellant.

UNPUBLISHED

September 24, 1996

No. 186130

LC No. 95 068661 FH

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.*

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to fraudulent use of a financial transaction device, MCL 750.157n; MSA 28.354(14), and habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced to two to six years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant may not challenge the proportionality of his sentence because it conformed with the terms of the sentencing agreement and because defendant did not move to withdraw his plea. *People v Blount*, 197 Mich App 174; 494 NW2d 829 (1992).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.